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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,786	09/14/2001	Johannes Wilhelmus Lubbertus Ludolphij	BO 42118 JGD	9785
466	7590	03/30/2005	EXAMINER	
YOUNG & THOMPSON			SIMONE, CATHERINE A	
745 SOUTH 23RD STREET			ART UNIT	
2ND FLOOR			PAPER NUMBER	
ARLINGTON, VA 22202			1772	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/857,786	<b>Applicant(s)</b> LUDOLPHIJ, JOHANNES WILHELMUS LUBBERTUS	
	<b>Examiner</b> Catherine Simone	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7-11 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-11 and 18-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/13/04 has been entered.

### ***Claim Objections***

2. Claims 10, 23 and 31 are objected to because of the following informalities: the recitation "making an angle of 45 degrees with the outer skin" in lines 5-6 of claims 10 and 23 and lines 6-7 of claim 31 is believed should read "making an angle of 45 degrees with the inner skin". Also, the recitation "of outer inner skin" in lines 8-9 of claims 10 and 23 and lines 9-10 of claim 31 is believed should read "of outer skin". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 11 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 24 recite the limitation "the inner and the outer hull of a ship" in lines 3-4 of each claim. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

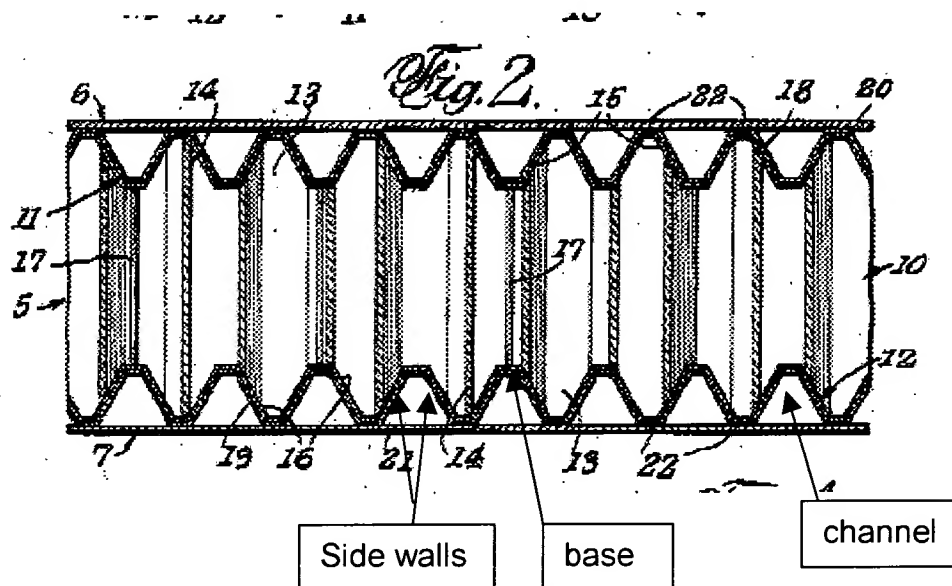
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 7, 9, 18-20, 22, 25, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Zahorski (3,104,194).

Regarding claims 7, 19, 20, 28 and 29, Zahorski discloses a double-skinned wall structure comprised of an outer skin and an inner skin (Fig. 2, #20 and #21); channels attached to an inner surface of the outer skin, the channels having two side walls and a base joining the two side walls together, the two side walls making an angle of 45 degrees with the outer skin (see Figure 2 shown below); and stringers (Fig. 2, #17) extending perpendicularly from the bases to an inner surface of the inner skin. Regarding claims 9 and 22, the channels are made of steel 37 (see col. 1, lines 62-63). Regarding claims 18 and 25, the limitation "the structure is a ship's hull" is a recitation of intended use and it has been held that a recitation with respect to the manner in

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which a claimed product is intended to be employed does not differentiate the claimed product from a prior art product satisfying the claimed structural limitations.

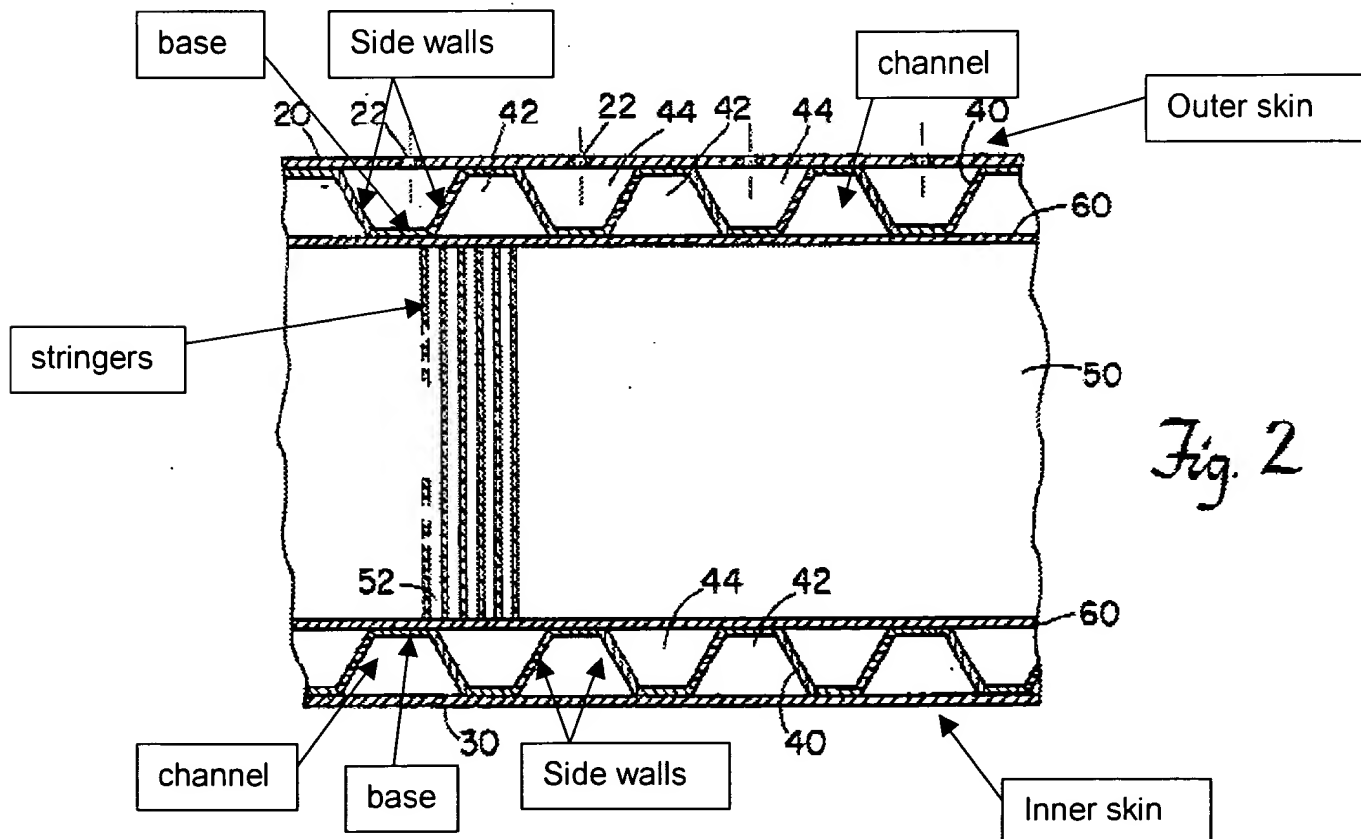


7. Claims 7, 9-11, 18-20, 22-29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Gertel (5,061,541).

Regarding claims 7, 19, 20, 28 and 29, Gertel discloses a double-skinned wall structure comprised of an outer skin and an inner skin (Fig. 2 and 4, #20 and #30); channels attached to an inner surface of the outer skin, the channels having two side walls and a base joining the two side walls together, the two side walls making an angle of 45 degrees with the outer skin; and stringers extending perpendicularly from the bases to an inner surface of the inner skin (see Figure 2 shown below). Regarding claims 9 and 22, the channels are made of steel 37 (see col. 4, line 7 and line 16). Regarding claims 18, 25 and 32, the limitation “the structure is a ship’s hull” is a recitation of intended use and it has been held that a recitation with respect to the manner in

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which a claimed product is intended to be employed does not differentiate the claimed product from a prior art product satisfying the claimed structural limitations. Regarding claims 10, 23 and 31, note strips (Fig. 2, #60) joining adjacent stringers; further channels attached to the inner surface of the inner skin (Fig. 2, #30), the channels attached to the inner surface of the inner skin, the channels having two side walls and a base joining the two side walls together, the two side walls making an angle of 45 degrees with the inner skin; further stringers extending perpendicularly from the base of the further channels to the inner surface of outer skin (Fig. 2, #20); and strips (Fig. 2, #60) joining adjacent further stringers (see Figure 2 shown below). Regarding claims 11 and 24, the strips (Fig. 2, #60) run parallel between the inner and outer skin. Regarding claims 26 and 27, note strips (Fig. 2, #60) joining adjacent stringers.



***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8, 21 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Zahorski (US 3,104,194) or Gertel (US 5,061,541).

Zahorski and Gertel each disclose the present invention as detailed above. However, both fail to teach the channels having a semi-cylindrical cross-section. Normally, it is to be expected that a change in shape of the channels would be an unpatentable modification. Under some circumstances, however, changes such as shape may impart patentability to a product if the particular shape claimed produces a new and unexpected result which is different in kind and not merely in degree from the results of the prior art. MPEP 2144.04 IV (B).


Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to change the shape of the channels in either Zahorski or Gertel al. to have a semi-cylindrical cross-section. One skilled in the art would have been motivated to do so in order to form a double-skinned wall structure, since it has been held that the change in form or shape of the channels would be an unpatentable modification in absence of showing unexpected results.

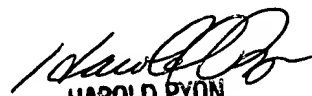
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Catherine A. Simone  
Examiner  
Art Unit 1772  
March 14, 2005

  
HAROLD PYON  
SUPERVISOR, PATENT EXAMINER  
1772

3/17/05